

# **General Motors Fort Wayne Assembly Plant F019 Wastewater Treatment Sludge Delisting LSA Document #05-85**

## ***Overview***

This rule adds a new section, 329 IAC 3.1-6-7, to conditionally delist wastewater treatment sludges from the chemical conversion coating of aluminum, waste code F019, that is generated by General Motors Fort Wayne Assembly Plant.

## ***Citations Affected***

329 IAC 3.1-6-7.

## ***Authority***

IC 13-22-2-3(d).

## ***Affected Persons***

General Motors Fort Wayne Assembly Plant, Fort Wayne, Indiana.

## ***Reasons for the Rule***

This rule was requested by General Motors Fort Wayne Assembly Plant in accordance with 329 IAC 3.1-5-2 and 329 IAC 3.1-5-3.

## ***Economic Impact of the Rule***

This rule will significantly reduce disposal costs for the regulated entity.

## ***Benefits of the Rule***

This rule will significantly reduce General Motors' disposal costs while providing for safe disposal as long as General Motors complies with all conditions for the delisting.

## ***Description of the Rulemaking Project***

This rule would conditionally exclude from regulation under 329 IAC 3.1 (delist) wastewater treatment sludge from the chemical conversion coating of aluminum, waste code F019, generated by General Motors Fort Wayne Assembly Plant, as described in the delisting petition submitted by General Motors on September 20, 2004.

Indiana's rules for delisting are found at 329 IAC 3.1-5-2 and 329 IAC 3.1-5-3. Indiana received EPA authorization for delisting of hazardous waste on January 4, 2001.

## ***Scheduled Hearings***

First Public Hearing: October 18, 2005.

Second Public Hearing: January 17, 2006.

## ***Consideration of Factors Outlined in Indiana Code 13-14-8-4***

Indiana Code 13-14-8-4 requires that in adopting rules and establishing standards, the board shall take into account the following:

1. All existing physical conditions and the character of the area affected.
2. Past, present, and probable future uses of the area, including the character of the uses of surrounding areas.
3. Zoning classifications.
4. The nature of the existing air quality or existing water quality, as appropriate.
5. Technical feasibility, including the quality conditions that could be reasonably be achieved through coordinated control of all factors affecting the quality.
6. Economic reasonableness of measuring or reducing any particular type of pollution.
7. The right of all persons to an environment sufficiently uncontaminated as not to be injurious to:
  - A. human, plant, animal, or aquatic life; or
  - B. the reasonable enjoyment of life and property.

## ***Consistency with Federal Requirements***

This rule is consistent with the federal hazardous waste program at 40 CFR 260 through 40 CFR 279.

## ***Rulemaking Process***

The first step in the rulemaking process is a first notice published in the Indiana Register. This notice includes a discussion of issues and opens a first comment period. A second notice is then published which contains the comments from the first comment period and

the department's responses to the comments, a notice of first public hearing, and the draft rule. The Solid Waste Management Board holds the first public hearing and public comments are heard. The proposed rule is published in the Indiana Register after preliminary adoption along with a notice of second public hearing. If the proposed rule is substantively different from the draft rule, a third comment period is required. The second public hearing is held and public comments are again heard. Once final adoption occurs, the rule must be approved by the Indiana Attorney General and the Governor. If approved, the rule becomes effective 30 days after filing with the Secretary of State.

### ***IDEM Contact***

For more information, contact Steve Mojonier, Rules, Planning & Outreach Section, at (317) 233-1655.